

### REMARKS

This Preliminary Amendment is submitted to present the amendments identified above, and the information indicated below.

### REPLACEMENT TITLE

The title has been amended to be sufficiently descriptive of the invention to which the claims in this application are directed. In the event that the present replacement title is itself found not to be sufficiently descriptive, the Examiner is herein authorized to amend to a suitable replacement title.

### SPECIFICATION

The present continuation case is filed with the substitute specification substantially identical to that filed in parent Application No. 09/929,127 on 19 December 2001 and amended on 29 September 2003. No new matter is added from that submitted and approved in the prior application.

### FORMAL DRAWINGS

Submitted with the present application are ten (10) sheets of FORMAL DRAWINGS for Figures 1-10, 11(a) and 11(b) which include drawing changes approved and entered in the parent application. Written acknowledgment of receipt and approval of such drawings, is respectfully requested.

### **PENDING CLAIMS**

Claims 1-20 are pending, under consideration and subject to examination in the present application. Such claims adjust a clarity and/or focus of Applicant's claimed invention in the present application, and pursue system claims. For example, Whereas the claims in the parent US Application No. 09/929,127 concentrated on "unrecordable" restricted blocks, the present application concentrates on "inaccessible" restricted blocks. At entry of this paper, Claims 1-20 are now pending for consideration and examination in the application.

### **CLAIMS FOR PRIORITY UNDER §§119 AND 120**

Applicant claims domestic benefit under 35 USC §120 of prior US Application No. 09/929,127 filed 15 August 2001, upon which this continuation under 37 CFR §1.53(b) is based, and the specification has been amended herein to identify all of the related US applications. Therefore, written acknowledgment of the completion of requirements for the claim for priority under §119 is respectfully requested.

Applicant claims foreign priority under 35 USC §119 of JP 2001-107927 filed 6 April 2001 and JP 2001-120469 filed 19 April 2001. Certified copies of the JP priority applications were filed on 15 August 2001 with prior US Application No. 09/929,127, upon which domestic benefit is claimed under §120. Therefore, written acknowledgment of the completion of requirements for the claim for priority under §119 is respectfully requested.

### **IDENTIFICATION OF ASSIGNEE UNDER 37 CFR §§3.71 AND 3.73**

HITACHI, LTD. is Assignee of entire right, title and interest in and to the present application by virtue of the Assignment filed in prior US Application No. 09/929,127 and recorded 15 August 2001 at Reel 012099, Frames 0087 *et seq.*

### **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, *i.e.*, Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

### **EXAMINER INVITED TO TELEPHONE**

The Examiner is invited to telephone the undersigned at the local D.C. area number 703-312-6600, to discuss an Examiner's Amendment or other suggested action for accelerating prosecution and moving the present application to allowance.

### CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the present application is in condition for allowance, and an early Notice to that effect is courteously solicited.

This Preliminary Amendment is being submitted with the present application, and is therefore timely, and no additional fees are required for entry of this paper. Please charge any actual shortage in the filing fees of the above-identified application to ATSK Deposit Account No. 01-2135 (as Case No 501.40492CX2).

Respectfully submitted,



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